

Meeting No. 6
March 22, 2004
Hamburg Town Board Meeting
S-6100 South Park Avenue
Hamburg, New York 14075

Roll Call:	Patrick H. Hoak	Supervisor
	Kathleen C. Hochul	Councilwoman
	Joan A. Kesner	Councilwoman
	Thomas Quatroche, Jr.	Councilman
Absent:	D. Mark Cavalcoli	Councilman
Also Present:	Catherine Rybczynski	Town Clerk
	James Spute	Finance Director
	Richard Boehm	Deputy Town Attorney
	Gerard Kapsiak	Town Engineer
	Drew Reilly	Planning Consultant
	Christopher Hull	Director of Community Development
	Joseph Coggins	Police Chief
	Tim Ellis	Traffic Safety Coordinator
	John Farrell	Director of Senior Services
	Martin Denecke	Director of Recreation
	Robert Hutchison	Town Assessor
	Tim Willard	Assistant Director Housing & Building
	Tim Regan	Community Development Assistant

The Pledge of Allegiance was recited.

Information on Fire Exits was provided.

Supervisor Hoak comments that they will be presenting Character First Awards this evening to some individuals within the Town that exemplify Virtue.

Councilwoman Hochul comments that this is a monthly occurrence in our Town and as a Character First Community we attempt to promote the Character Traits that are recognized by the committee each month. There are signs around the community and this month's trait is Virtue which is doing what is right, demonstrated in thought, voice and action throughout your lifetime. Always take the high road to truth and justice. The individuals who receive these awards are nominated by co-workers and members of the public. She starts with John Farrell, the nomination said John's words are always positive, truthful and helpful and his promises are always kept with justice and truth without thinking of himself. The accomplishments towards a better goal are always on his mind whether it is for the person or the entire senior population. That came from an anonymous person and Councilwoman Hochul thanks him for all his contributions to the seniors and the community at large. Shirley Spaulding and Randy Hoak from the Adult Day Cares Center, both individuals are extremely deserving of this award. They are special people who possess patience, caring, kindness, insight and respect for human life, daily as needed to care for our elderly. They are special employees who have created a comfortable, constructive and fun home life for the participants and the staff at the Adult Day Care Center. The task and activities of these two individuals, performed daily, are unlimited and are performed with little effort and always with a smile. Councilwoman Hochul comments that this is one of the most challenging responsibilities in the entire Town government and these two individuals do it so incredibly well and this is an opportunity to give them appreciation for what they do in that situation. Tim Willard, Building Inspection, demonstrates compassion and understanding of all people from all walks of life. He works with contractors, builders and homeowners daily and going back to his days in Community Development when he worked with seniors and those less fortunate. Tim always listens intently no matter how big or small the problem or how long it takes to solve. Councilwoman Hochul comments that they hear all the time about how patient he is with individuals and how he will go the extra mile for them and this award recognizes those efforts. Tim Regan, Community Development, stepped into Mr. Willard's position in Community Development and always goes above what is required to assure that seniors and those in need get a kind ear and he is always there to listen. His kind words always reassure and his quick response to their calls eases their fears. He takes the time and energy to research all avenues to help our residents. She comments that this is a very special award. Supervisor Hoak thanks them for what they bring to the Town, the Town that Friendship Built, they really emulate that on a daily basis. Congratulations and keep up the good work.

He asks that all recipients come forward for their awards.

Councilwoman Hochul announces that they are now excepting nominations for next months Character which is forgiveness. Forgiveness is excusing the remorseful wrongdoing of others without holding a grudge. Forgive and forget.

I.

RESOLVED, that the Town Board approve the minutes of the following meetings:

March 8, 2004 Town Board Meeting

March 15, 2004 Work Session

Moved: Hochul Seconded: Quatroche
Roll Call: Ayes: Hoak, Hochul, Kesner, Quatroche
 Noes: None
 Carried

II.

RESOLVED, that permission is hereby granted for James Connolly, William Dash, Richard Krautsack, and Sean Fanning to attend the training seminar Dealing Effectively With Unacceptable Employee Behavior, on March 26, 2004, in Buffalo, New York. A town vehicle will be used. The estimated total cost is \$556.00. Funds are available in A5010. 492 and A7140.492.

Moved: Quatroche Seconded: Kesner
Roll Call: Ayes: Hoak, Hochul, Kesner, Quatroche
 Noes: None
 Carried

III.

WHEREAS, the Town of Hamburg entered into an agreement with the New York State Department of State, Agreement No. 6006186, for Phase III improvement work at the Seaway Trail Visitors Center at the former Wanakah Water Works building, and

WHEREAS, Architectural/Engineering services are required to implement the project, and

WHEREAS, the firm of Wendel Duchscherer, Architects and Engineers, have the necessary experience, expertise and manpower as well as familiarity of the project, and

WHEREAS, Wendel Duchscherer Architects and Engineers has submitted a proposal to the Town for providing the necessary Architectural/Engineering design services associated with the project for a lump sum fee of \$25,000.00.

NOW THEREFORE BE IT RESOLVED, that Wendel Duchscherer Architects and Engineers be awarded a contract in the amount of \$25,000 for providing Architectural/Engineering design services for Phase III Seaway Trail Visitors Center and that the Town Supervisor is authorized to sign an Agreement (contract) based upon the consultant's proposal. Funding for said design services available from Account No. H-67 8310.332.3.

Moved: Hochul Seconded: Quatroche
Roll Call: Ayes: Hoak, Hochul, Kesner, Quatroche
 Noes: None
 Carried

Councilwoman Hochul comments that they are making a lot of progress and she thanks Councilwoman Kesner for all her input.

WHEREAS, by reason of the enactment of 925 d of the Real Property Tax Law, a municipal corporation to which real property tax is owed is authorized, by passing a local resolution, to extend any deadline with respect to the payment of such real property tax without penalties or interest where said tax is owed by person who has been deployed by the military, or by the spouse or domestic partner of such deployed person, for real property of such deployed person and;

WHEREAS, a person “deployed by the military” is defined in RPTL 925 d to mean a person who has been ordered to active military duty, other than training, for the period beginning with a declaration of war by Congress and ending with a date prescribed by Presidential proclamation or concurrent resolution of Congress or during any periods of combat designated by presidential executive order or hazardous duty, and;

NOW THEREFORE, BE IT RESOLVED, that with respect to real property tax owed by a person who has been deployed by the military, or by the spouse or domestic partner of such person, for real property of a person so deployed, any deadline with respect to the payment of such real property tax without penalties or interest shall be extended for a period of ninety days after the end of such deployment; and

IT IS FURTHER RESOLVED, that the Erie County Director of Veterans Services shall notify the local commanders of each United States Army, United States Navy, United States Air Force, United States Marine Corps, and United States Coast Guard office/unit, including the local Reserve and National Guard components , of this extension of deadline for the payment of the Erie County real property tax, in order that those officials can notify their local soldiers, sailors, airmen and airwomen, and marines of this important issue and extension, and

BE IT FURTHER RESOLVED, that the Town Clerk is directed to prepare and provide certified copies of this resolution to the Town Supervisor, the Legal Department, the Director of Finance, the Town Assessor, and the Tax Collector in the Town of Hamburg.

Moved: Hoak
Seconded: Unanimous
Roll Call:
Ayes: Hoak, Hochul, Kesner, Quatroche
Noes: None
Carried

BE IT RESOLVED, that the Hamburg Town Board authorize Timothy Regan; Community Development Assistant and Roger Gibson; Code Enforcement Officer to attend the seminar “Mold Challenge in New York” as instructed by the National Business Institute on Thursday, March 25, 2004. Mold and mold related problems within existing homes has become problematic similar to the asbestos and lead concerns of previous years. Lessons and knowledge from this seminar can be directly utilized within the context of the towns Hometown Housing Programs. Funding for the class will be through the town's CDBG program income account. The use of a town car is requested. Cost breakdown as follows:

Class:	\$488.00 (for both)
Meals/Misc:	\$ 80.00 (for both)
TOTAL:	\$568.00

Moved: Kesner
Seconded: Quatroche
Roll Call:
Ayes: Hoak, Hochul, Kesner, Quatroche
Noes: None
Carried

RESOLVED, that the Town Board approve the use of one voting machine for the Hamburg American Legion Post #527 on May 1, 2004 to hold their annual election.

Moved: Hochul Seconded: Kesner
Roll Call: Ayes: Hoak, Hochul, Kesner, Quatroche
 Noes: None
 Carried

RESOLVED, that proposed Local Law # 1 of 2004, concerning the rezoning of approximately 16.75 acres of property off of North Drive owned by the Town of Hamburg, from M-1 Industrial Park-Research and Development and M-2 Light Industrial to PR-Park/Recreation lands be removed from the Table.

Moved: Hoak Seconded: Hochul
Roll Call: Ayes: Hoak, Hochul, Kesner, Quatroche
 Noes: None
 Carried

WHEREAS, in compliance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act–SEQRA) of the Environmental Conservation Law, the Hamburg Town Board has reviewed the rezoning of 16.75 acres of land off of North Drive, from M-1 and M-2 to PR, and

WHEREAS, the Town of Hamburg Planning Board and Department during its review found no apparent significant environmental concerns and has recommended approval of the rezoning, and

WHEREAS, this rezoning will not adversely affect the natural resources of the State and/or the health, safety and welfare of the public, and is consistent with social and economic considerations.

NOW THEREFORE BE IT RESOLVED, that the Hamburg Town Board has determined that the proposed rezoning is not anticipated to result in any significant effect on the environment, and that a Negative Declaration (Notice of Determination of Non-Significance) is hereby issued.

BE IT FURTHER RESOLVED, that the Supervisor be authorized to sign the Environmental Assessment form.

Moved: Hoak
 Roll Call: Ayes: Hoak, Hochul, Kesner, Quatroche
 Noes: None
 Carried

WHEREAS, the Town of Hamburg has proposed to rezone 16.75 acres of property owned by the Town, off of North Drive from M-1 and M2 to PR, the Park/Recreation Lands District, and

WHEREAS, the Town Board has held the appropriate Public Hearing on March 8, 2004 and has determined that the rezoning will not have a significant effect on the environment and has issued a Negative Declaration under SEQRA, and

Supporting Reasons:

1. The rezoning is in accordance with the Town's adopted Comprehensive Plan.
2. The action is a down zoning of the property to bring it into conformance with the nature of the area.
3. The rezoning allows the Town to sell the property and give future owners the guidance on what the property could appropriately be utilized for.
4. This zoning will allow for the appropriate buffer of uses between the industrial properties and the residential properties in the area.
5. It must be clearly understood that the property to be rezoned is not a park nor was it acquired to be a park. The Town in selling the property though wants to set parameters for its future use.

To amend Local Law #10 of the year 1986 (and subsequent amendments) Chapter 280 of the Code of the Town of Hamburg entitled “Zoning.” To provide for a change in the boundaries of the Zoning map whereby the zoning is changed from M-1 (Industrial Park-Research) and Development and M2 (Light Industrial) to PR (Park Recreation lands) for the 16.75 acres of land located off of North Drive as described as follows:

All that Tract or Parcel of Land, situate in the Town of Hamburg, County of Erie and State of New York, being part of lot 8, T-9, R-8 of the Holland Land Company's Survey, being further identified as all of tax map Parcel No. 160.09-5-4.11, and being more particularly bounded and described as follows:

Beginning at a point on the north line of North Street and the west line of West Street, as shown on Map Cover 694 filed in the Erie County Clerk's office; thence northerly and parallel with the west line of lot 8, a distance of 1302.24 feet to the south line of the Hamburg Natural History Society, Inc. Property; thence easterly along the south line of the Hamburg Natural History Society, Inc. Property, a distance of 500 feet; thence southerly and parallel to the west line of Lot 8, a distance of 1177.23 feet; thence easterly along the south line of the Hamburg Natural History Society property, a distance of 627.59 feet; thence southerly at a right angle, a distance of 125 feet to the north line of North Street; thence westerly along the north line of North Street, a distance of 1125.72 feet to the point or place of beginning, and containing an area of approximately 16.75 acres.

Moved: Hoak
 Roll Call: Ayes: Hoak, Hochul, Kesner, Quatroche
 Noes: None
 Carried

Supervisor Hoak comments that Jerry Bastedo is in the audience and he has been a daily worker at the fossil quarry site and has turned it into an international success and plans for an educational building and further projects for that site. He thanks him for his participation in this.

Councilwoman Kesner comments that this also protects the integrity of the surrounding neighborhood as well. This is a win, win situation for everyone involved.

Councilwoman Hochul questions how many visitors came to the site last year. Mr. Bastedo responds that they did 318 different programs and had about 75,000 visitors.

RESOLVED, that the Town Board approve the hiring and termination of personnel for the Building and Grounds Department as follows:

Moved: Quatroche Seconded: Kesner
Roll Call: Ayes: Hoak, Hochul, Kesner, Quatroche
 Noes: None
 Carried

WHEREAS, the Local Government Records Management Improvement Fund (LGRMIF) was created in 1989 to provide technical assistance and grants to establish, improve or enhance records management programs in New York's more than 4300 local governments, and

WHEREAS, the closely related Documentary Heritage Program (DHP) for grants and technical assistance to non-governmental historical records repositories also is supported by the LGRMIF, and

WHEREAS, a sunset date for the LGRMIF was established in the original legislation to permit its operation as a five-year experiment, and

WHEREAS, the New York State Legislature in 1995 twice has extended the sunset date, most recently to December 31, 2005, and

WHEREAS, the LGRMIF has effectively supported essential advisory services and 6,300 grants totaling over \$113 million to improve the management of records for over half of all NYS local governments, and

WHEREAS, the LGRMIF and the programs its supports continue to operate at a high standard of excellence and provide direct and significant benefit to local governments at no cost to the taxpayers, and

WHEREAS, the Town of Hamburg has benefitted from technical assistance, training, publications and 4 grants totaling over \$47,000, supported by the LGRMIF, and

WHEREAS, the State Legislature created the closely-related Cultural Education Fund (CEF) to support the New York State Archives, New York State Library and New York State Museum on behalf of all New Yorkers, and the Office for Public Broadcasting, and provide the CEF with an identical sunset date, and

WHEREAS, the LGRMIF and the CEF continue to be critically important in the fulfillment of the many records and information related responsibilities of the Town of Hamburg, and to the cultural and scientific needs of the people of New York State,

THEREFORE BE IT RESOLVED, that the Town of Hamburg supports the elimination of said sunset provisions in order to make the LGRMIF and the CEF permanent.

Moved: Hochul
 Roll Call: Ayes: Hoak, Hochul, Kesner, Quatroche
 Noes: None
 Carried

Councilwoman Hochul thanks Cathy Rybczynski, Town Clerk, for her leadership in bringing this to the Board. The Town of Hamburg has benefited and will even benefit more. Cathy has been very aggressive in pursuing grants under this. Records Management doesn't sound like a real enticing topic, but in her position as Deputy County Clerk she is much more familiar with records management and the need for it. Any government has to have the ability and the funding to manage their records. Cathy oversees that for the Town of Hamburg and this program has been good for our community and we expect to receive more dollars.

RESOLVED, that the Town Board approve the hiring of personnel for the Recreation Department as follows:

1.	Brockenshire, John	B7310(320) Rec. Attendant	03/22/2004	\$7.50 P/T
2.	Bebak, Marilou	B7310(320) Rec. Attendant	03/22/2004	\$9.50 Seas. P/T

Moved: Quatroche
Roll Call: Ayes: Hoak, Hochul, Kesner, Quatroche
Noes: None
Carried

XIII.

WHEREAS, the golf course concession bids were opened on March 15, 2004 and

WHEREAS, Rick Hayden, owner of Couzins Restaurant submitted the high bid of \$18,200 per year for the years 2004, 2005, and 2006,

NOW THEREFORE BE RESOLVED the Town of Hamburg accept the bid of Mr. Hayden and award him the lease contract for the stated years.

Moved: Quatroche Seconded: Kesner
Roll Call: Ayes: Hoak, Hochul, Kesner, Quatroche
 Noes: None
 Carried

XIV.

WHEREAS, Univera Health Care offers their Excellus Health Plan members reimbursement for fitness memberships and

WHEREAS, fitness facilities must apply to and be approved by Univera as a registered provider and

WHEREAS, being a registered provider would boost our membership levels

NOW THEREFORE BE IT RESOLVED the Town of Hamburg apply to Univera for a registered provider status and authorize the Town Supervisor to sign required contract upon approval.

Moved: Quatroche Seconded: Hochul
Roll Call: Ayes: Hoak, Hochul, Kesner, Quatroche
 Noes: None
 Carried

XV.

RESOLVED, that the Town Board authorize Supervisor Hoak to sign a contract with KVS Information Systems, Inc., 821 Maple Road, Williamsville, New York 14221. This contract is to provide the following software and complete support for it: General Ledger, Accounts Payable, Purchase Order, Fixed Assets, Payroll/Personnel, Position Control, Attendance and Complete System Software and VCQ Report Writer. It also includes the necessary training. This is through State Bid for a total cost of \$47,841.00 with an annual cost of \$5,585 for license fees. Funds are available in H 66 1680.207.

Moved: Hoak Seconded: Kesner
Roll Call: Ayes: Hoak, Hochul, Kesner, Quatroche
 Noes: None
 Carried

WHEREAS, the Town of Hamburg has previously classified the Engel Drive Sanitary Sewer Project as an Unlisted Action under the State Environmental Quality Review (SEQR) requirements; and

THEREFORE BE IT RESOLVED, that following the guidelines for 6 NYCRR, Part 617 (SEQR), the Town Board, as Lead Agency, has determined that the proposed project is a Type II action which is not anticipated to result in any significant adverse impact on the environment, based on the following:

- BE IT FURTHER RESOLVED**, that two certified copies of this resolution be provided to the Engineering Dept., for transmittal to NYSDEC and the New York State Environmental Facilities Corporation.

XVII.

XIX.

WHEREAS, the Town of Hamburg requested price quotations from three electrical contractors for the performance of electrical work associated with the installation of the grinder pump system which is part of the Engel Drive Sanitary Sewer Extension Project; and

WHEREAS, Tunney Electric, Inc. submitted the lowest price for this work, in the amount of \$7,685. Their proposal has been reviewed by the Town Engineer and R&D Engineering, Inc., who determined that Tunney Electric is a qualified and responsible contractor, and recommended that the contract be awarded to them,

THEREFORE BE IT RESOLVED that the contract for this project is awarded to Tunney Electric, Inc. of Clarence Center, New York in the amount of \$7,685, that the Town Supervisor is authorized to sign the contractual agreement in this regard, and that the Town Engineer is to issue the Notice of Award and Notice to Proceed at the appropriate times. Funds for this work are available in the construction budget for this project, under Account No. H85-8120.332.

Moved: Hoak Seconded: Quatroche
Roll Call: Ayes: Hoak, Hochul, Kesner, Quatroche
 Noes: None
 Carried

XX.

RESOLVED, that the Town Board approve the hiring and termination of personnel for the Senior Services Department as follows:

1.	Wheelock, Patricia	P/T Seasonal Rec. Attendant	03/14/2004	Terminate
2.	Wheelock, Patricia	P/T Rec. Attendant	03/14/2004	\$8.96
3.	Kucala, Sharon	P/T Clerk Typist	03/08/2004	\$8.03

Moved: Hoak Seconded: Kesner
Roll Call: Ayes: Hoak, Hochul, Kesner, Quatroche
 Noes: None
 Carried

XXI.

At a regular meeting of the Town Board of the Town of Hamburg, in the County of Erie, New York, held at the Town Hall, S-6100 South Park Avenue, Hamburg, New York, on the 22nd day of March, 2004.

PRESENT:

Hon. Patrick H. Hoak, Supervisor
Kathleen Courtney Hochul, Councilperson
Joan A. Kesner, Councilperson
Thomas J. Quatroche, Jr., Councilperson

In the Matter

of the

Increase and Improvement of Facilities of the
Mount Vernon Sewer District, in the Town of Hamburg,
in the County of Erie, New York, pursuant to
Section 202-b of the Town Law

Offered by: Supervisor Hoak

Seconded by: Councilwoman Kesner

RESOLUTION AND
ORDER AFTER PUBLIC
HEARING

WHEREAS, the Board of Commissioners of the Mount Vernon Sewer District (herein called the “District”) in the Town of Hamburg (herein called the “Town”), in the County of Erie, New York, has caused to be prepared by an engineer duly licensed by the State of New York (the “Engineer”), a preliminary map, plan and report for the increase and improvement of facilities of the District, consisting of the replacement of approximately 3,020 to 3,790 linear feet of existing sanitary sewer lines, installation of approximately 180 linear feet of new sanitary sewer lines, installation of manholes and other improvements to existing sanitary sewer reaches, including any equipment, furnishings, machinery or apparatus, and any ancillary or related work required in connection therewith; and the Engineer has completed said preliminary map, plan and report for said increase and improvement of facilities of the District and has estimated the cost thereof to be \$1,000,000 and said map, plan and report have been filed with the Town Board of the Town; and

WHEREAS, the Town Board adopted an order describing in general terms the proposed increase and improvement of facilities, specifying the estimated cost thereof, and stating the Town Board would meet to hear all persons interested in said increase and improvement of facilities on March 8, 2004 at 7:00 o’clock P.M. (Prevailing Time) at the Town Hall, S-6100 South Park Avenue, Hamburg, New York, in the Town; and

WHEREAS, a Notice of such public hearing was duly published and posted pursuant to the provisions of Article 12 of the Town Law; and

WHEREAS, such public hearing was duly held by the Town Board on the 8th day of March, 2004 at 7:00 o'clock P.M. (Prevailing Time) at the Town Hall, S-6100 South Park Avenue, Hamburg, New York, with considerable discussion on the matter having been had and all persons desiring to be heard having been heard, including those in favor of and those in opposition to said increase and improvement of such facilities; and

WHEREAS, the District, as lead agency, has given due consideration to the impact that the project described herein may have on the environment and has determined that such project constitutes an Unlisted action pursuant to the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law, and 6 N.Y.C.R.R., Regulations Part 617 and the Board of Commissioners of the District and the Town Board have reviewed a Full Environmental Assessment Form (Parts 1 and 2) prepared by the Engineer and the District has determined that the project will not result in any significant adverse environmental impacts and a negative declaration has been adopted by the Board of Commissioners of the District;

Now, therefore, it is hereby

DETERMINED, that it is in the public interest to increase and improve the facilities of the District as hereinabove described, at the estimated maximum cost of \$1,000,000; and it is hereby

ORDERED, that the facilities of the District shall be so increased and improved and that the Engineer heretofore retained by the Town Board shall prepare plans and specifications and make a careful estimate of the expense for said increase and improvement of such facilities and, with the assistance of the Town Attorney or the attorney for the District, shall prepare a proposed contract for such increase and improvement of facilities of the District, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible; and it is hereby

FURTHER ORDERED, that a part of the expense of said increase and improvement of facilities shall be paid by the expenditure of New York State grant funds received or to be received in the approximate amount of \$433,700, and any portion of such cost not paid by the expenditure of grant funds shall be financed by the issuance of not to exceed \$1,000,000 bonds of the Town, and the costs of said increase and improvement of facilities, including payment of principal of and interest on said bonds, shall be paid by the assessment, levy and collection of assessments from the several lots and parcels of land within the District which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same.

FURTHER ORDERED, that the Town Clerk record, or cause to be recorded, a certified copy of this Resolution and Order After Public Hearing in the office of the Clerk of Erie County within ten (10) days after adoption thereof.

DATED: March 22, 2004

(SEAL) TOWN BOARD OF THE TOWN OF HAMBURG

The adoption of the foregoing Resolution and Order was duly put to a vote on roll call, which resulted as follows:

Supervisor Hoak	voting	Aye
Councilperson Kesner	voting	Aye
Councilperson Hochul	voting	Aye
Councilperson Quatroche	voting	Aye

The Resolution and Order were declared adopted.

Councilwoman Hochul comments that it is a million dollar project and they are looking for about half of it to be paid for with Federal Grants. Mr. Kapsiak responds that the Mt. Vernon Sewer District will receive a \$433,000 grant from the U.S. Environmental Protection Agency. Gary Depczynski, Mt. Vernon Sewer Commissioner, states that it is for sure, they received an award from Congressman Quinns Office, the EPA has approved it. Supervisor Hoak comments that after the questions at the last meeting, maps were supplied to show who was affected by this, they received only one phone call and that was answered.

CERTIFICATE

I, CATHERINE A. RYBCZYNSKI, Town Clerk of the Town of Hamburg, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town of Hamburg duly called and held on March 8, 2004, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the
corporate seal of said Town of Hamburg this 22nd
day of March, 2004.

(SEAL)

Catherine A. Rybczynski, Town Clerk
Town of Hamburg

BOND RESOLUTION OF THE TOWN OF HAMBURG, NEW
YORK, ADOPTED MARCH 22, 2004, APPROPRIATING
\$1,000,000 FOR THE INCREASE AND IMPROVEMENT OF
FACILITIES OF THE MOUNT VERNON SEWER DISTRICT,
AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED
\$1,000,000 SERIAL BONDS OF SAID TOWN TO FINANCE
SAID APPROPRIATION

Offered by: Supervisor Hoak

Seconded By: Councilwoman Kesner

Recital

WHEREAS, following preparation of a map, plan and report and an estimate of cost for the increase and improvement of facilities of the Mount Vernon Sewer District (herein called the "District"), in the Town of Hamburg (herein called the "Town"), in the County of Erie, New York, and after a public hearing duly called and held, the Town Board of the Town determined that it is in the public interest to increase and improve the facilities of the District, and ordered that such facilities be so increased and improved;

Now, therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF HAMBURG, IN THE COUNTY OF ERIE, NEW YORK (by the favorable vote of not less than two-thirds of all the members of said Board) AS FOLLOWS:

Section 1. The Town hereby appropriates the amount of \$1,000,000 for the increase and improvement of facilities of the District, consisting of the replacement of approximately 3,020 to 3,790 linear feet of existing sanitary sewer lines, installation of approximately 180 linear feet of new sanitary sewer lines, installation of manholes and other improvements to existing sanitary sewer reaches, including any equipment, furnishings, machinery or apparatus, and any ancillary or related work required in connection therewith. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,000,000 and said amount is hereby appropriated therefore. The plan of financing includes the expenditure of approximately \$433,700 New York State grant funds received or to be received to pay a part of such appropriation, the issuance of not to exceed \$1,000,000 bonds of the Town to finance any portion of said appropriation not paid by the expenditure of grant funds, and the assessment, levy and collection of assessments from the

several lots and parcels of land within the District which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same.

Section 2. Bonds of the Town are hereby authorized to be issued in the principal amount of not to exceed \$1,000,000 pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called “Law”), to finance said appropriation.

Section 3. The following additional matters are hereby determined and stated:

(a) The period of probable usefulness of the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 4 of the Law, is forty (40) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution, or prior to the effective date of this resolution if a declaration of intent to issue bonds has been made, for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the serial bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation said bonds shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the taxable real property within the Town without limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes issued in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and the renewals of said bond anticipation notes, and relative to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with, and

an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This resolution shall take effect immediately and the Town Clerk is hereby authorized and directed to publish the foregoing bond resolution, in summary, in “THE HAMBURG SUN AND ERIE COUNTY INDEPENDENT,” and “FRONT PAGE”, two newspapers each having a general circulation in said Town, which newspapers are hereby designated as the official newspapers of the Town for such publication, together with the Town Clerk’s statutory notice in the form prescribed by Section 81.00 of the Local Finance Law of the State of New York.

The adoption of the foregoing Resolution was duly put to a vote on roll call,
which resulted as follows:

Supervisor Hoak	voting	Aye
Councilperson Kesner	voting	Aye
Councilperson Hochul	voting	Aye
Councilperson Quatroche	voting	Aye

The Resolution was declared adopted.

CERTIFICATE

I, CATHERINE A. RYBCZYNSKI, Town Clerk of the Town of Hamburg, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town, duly called and held on March 22, 2004 has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the

corporate seal of said Town this day of
March, 2004.

(SEAL)

Catherine A. Rybczynski, Town Clerk
Town of Hamburg

RESOLVED, that the Town Board approve the Audit of Cash Disbursements as follows:

VOUCHER #'S

OPERATING FUND:

BATCH #34	\$1,158,925.00	911913 – 911915
BATCH #35	\$2,100,000.00	911916 – 911918
BATCH #36	\$1,700,000.00	912006 – 912007
BATCH #37	\$ 93,706.07	912008 – 912154
BATCH #38	\$ 255,821.19	UNPROCESSED
PRTRN #P/R 6	\$ 520,405.42	91257

TOTAL OPERATING FUND DISBURSEMENTS: \$5,828,857.68

TRUST & AGENCY

TOTAL TRUST & AGENCY DISBURSEMENTS:	\$	0.00
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CAPITAL FUND DISBURSEMENTS:

BATCH #21	\$ 450,000.00	720124
BATCH #22	\$ 775,000.00	720129 – 720130
BATCH #23	\$ 17,732.42	UNPROCESSED

TOTAL CAPITAL FUND DISBURSEMENTS: \$1,242,732.42

TOTAL PAYROLL DISBURSEMENTS:	\$	0.00
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TOTAL PETTY CASH DISBURSEMENTS:	\$	0.00
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TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT: \$7,071,590.10

Moved: Hoak
 Roll Call: Ayes: Hoak, Hochul, Kesner, Quatroche
 Noes: None
 Carried

Correspondence

Supervisor Hoak comments that there is one item of late correspondence regarding Mary the former contracted person for the snack shop at the golf course. Pat Greiner, Vice President of Hamburg Senior Golf Club sent the letter. Supervisor Hoak wants to thank Mary for all the great work she did, however in the public sector they have to put this out to bid. They have a responsibility to the taxpayers to accept the bid that will be the best benefit for the Town. They did award this bid tonight to Couzins Restaurant. They wish him well and hope he does as admirable a job as Mary did. The Board would like thank Mary publicly for the service she has done throughout the years.

Supervisor Hoak suspends the reports from the Board Members and Department Heads.

Councilwoman Kesner wishes to report on the seminars she attended at the New York Association of Towns. More than 2,000 representatives from Town's throughout New York State were there and she attended "The impact of Aging Citizens on our Town's Services" and some of their suggestions were as simple as making the signs larger, it was very interesting. She also attended "The Future of Volunteer Fire Companies" and we are way ahead of what a lot of communities are doing in reference to paying attention to the trends and the delivery of our services for our ambulance squads. She also attended the "Inter –Municipal Cooperation and Consolidation" and "Sprawl Busters –Local Open Space Planning for Quality Communities". Each seminar identified trends that will affect the delivery of our services in the Town of Hamburg and the impact for future services. Ideas and programs were discussed to prepare for these changing trends and the message in all of them was pay attention and adjust.

Councilwoman Hochul reports on a meeting that took place in regards to the traffic signal at Division and Legion. She thanks Mr. Kapsiak for attending on their behalf, fifteen people showed up including the Superintendent of Hamburg Schools, the Principals of both the Middle and High Schools and there was an agreement that there wouldn't be any construction during the morning and afternoon hours. The bulk of the work will take place during spring break as planned. The other good news is that she has been asking the County to repair McKinley Parkway for at least a year and a half. They will be beginning on April 5th, she wants to thank Jeanne Chase and the County Highway Department for that. They will be grinding up the top level, putting it back and paving over that. It is a cost saving measure.

Councilman Quatroche announces that the Engle Drive Sewer Project will be starting the week of March 22nd and this construction will be completed by the end of April. The Town of Hamburg Recreation Department has two staff members that will be receiving awards on April 2nd from the Niagara Frontier Recreation and Park Society. He wants to congratulate Joe Wenzel, Recreation Supervisor, who will receive the John Silsby Award for Excellence. Joe's development of the comprehensive youth golf instructional program was one of the many factors noted in his nomination narrative. Tim Jerome will be presented with the Chuck Tacaras Award for his contributions in furthering the principles and goals of the Parks and Recreation profession. Tim was also recognized for his work with the National Alliance of Youth Sports program. Congratulations to those two individuals. He also wants to announce an inaugural meeting of the Hamburg Youth Sport Partnership. In conjunction with the Recreation Department they are launching a meeting of a group of individuals from 22 independent youth organizations which represent 14 different sports. They will gather to discuss ways of ensuring positive outcomes for participants in their programs. The Recreation Department always tries to make sure that they are proactive in their approach and they have instituted annual meetings with Baseball Associations to talk about issues and those meetings have been very positive. He thanks Mr. Denecke and his Department for taking this action and is looking forward to that meeting. The tentative opening dates for facilities are as follows: Hamburg Skate Park will be open April 3rd, the Golf Course will be open April 12th and the Sport Court will be open April 12th. There will be some programs open over spring break as follows: Open Gym for youth grades 2-5 and 6-8 will be held in the Sport Court. School development clinics for soccer and baseball will be offered during that week and there is registration for other programs.

Business From the Floor

Joe Kilian, Ferndale Ave., comments that the NYSDOT is having a March 31st meeting about the resurfacing of Route 5. He hopes the Town Board will attend this meeting.

Councilwoman Hochul comments that they set the meeting up, the Town Board will be there.

Joe comments that they have been in constant contact with them with disappointing results. They found out that there will be a 3 - 6 week test striping and they did ask Walter Kulach, the traffic expert on this project, how long it would take to get a result from the test striping and he mentioned 6 – 8 months. They talked to Dan Burg, Traffic Calming expert, and he said the same thing. His opinion is that whatever they do down there, the residents will be stuck with it for a long time. He would like to recommend ten foot lanes to make the people drive 40 MPH and put the two five foot bike lanes in, when they resurface it, because this will be it. He feels this will be the last project they see there. They keep putting this off year after year. He has been on this long enough to see all the old people moving on and so it is a whole new set of people with new ideas.

Councilwoman Hochul comments that this is frustrating and they started with the calming study seven years ago and there has been a lot of turnover at the DOT. However she does sense that there are some people who are a little more forward thinking, traffic calming was a foreign word to the DOT seven years ago and she thinks they should give them credit for evolving and retaining experts in traffic calming and working with them to have certain features. It may not be 100% of what people are looking for, but they are evolving in a positive way.

Joe comments that he feels their vision of what Route 5 is, and what the Town should have, are two different things. What is the vision for the Lake Shore. Councilwoman Hochul responds that there is no consensus on that and that is what the DOT concluded after studying it. There are different interests involved here. They need to find a continuity between the people that live there and the people that travel the road. This is not a simple thing, she feels they should hear them out and this meeting will give them the opportunity.

Joe questions the new sign at Pegasus and the sign at the Fairgrounds gaming facility and then reads the zoning law on signs. Mr. Willis comments that the Pegasus Restaurant did receive a zoning variance to have that sign. As far as the sign at the Fairgrounds, that is a State issue and we do not have jurisdiction on that. The DOT has contacted them to say the Pegasus sign might be in the right-of-way and may have to be moved back towards the restaurant.

Councilman Quatroche questions if the Pegasus sign is in compliance with the variance from the Zoning Board. Supervisor Hoak asks that an update be given at the next public Board Meeting.

Joe asks for an update on the graffiti on Route 5 by the UAW. Mr. Willard says he has no update he will bring it up with Mr. Allen. Councilwoman Kesner comments that Mr. Connolly was waiting for the weather to improve, they are going to try and spray paint it.

Walter Kaleta, Adam St., questions if there has been any correspondence from the State about the signal at Scranton Road and South Park. Supervisor Hoak asks Mr. Ellis to look into that. Mr. Ellis comments that he will be talking to the DOT tomorrow and he will bring that up. Councilwoman Hochul asks the Chief if there has been an increase in traffic incidents along South Park since the gaming facility went in. Chief Coggins responds nothing significant.

Jerry Bastedo, Natural History Society, comments on behalf of the Society, they appreciate the efforts and support of the Town, especially Councilman Cavalcoli. There is a site in Ohio that has modeled themselves after them he feels it is great that they have a Town Board that that is supportive of this. They have had a lot of support from volunteers as well, last year they had about 253 volunteers. He thanks them for taking this step to support them.

XXII.

RESOLVED, that the Town Board adjourn to Executive Session at 8:15 p.m. with Assessing, Legal, Personnel and Planning.

Moved: Hoak Seconded: Hochul
Roll Call: Ayes: Hoak, Hochul, Kesner, Quatroche
 Noes: None
 Carried

Catherine Rybczynski, Town Clerk

